

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 796

Case No. 95-1

(Map Amendment at 1412 Massachusetts Avenue, N.W. -
National Association of Home Builders)

February 12, 1996

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on September 14, 1995. At that hearing session, the Zoning Commission considered an application from the National Association of Home Builders to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on March 6, 1995, requested a change of zoning from SP-2 to C-4 for Lot 17 in Square 213.
2. The applicant seeks the change of zoning to allow for the construction of additional office space as a matter of right to serve the needs of the National Association of Home Builders (NAHB) on the site which is now owned by NAHB and which serves as its headquarters office.
3. The property included in the subject application comprises the entire square bounded by Massachusetts Avenue and 15th and M Streets, N.W. The property contains approximately 34,312 square feet of land area and is currently improved with an office building which serves as the headquarters of the NAHB.
4. The SP-2 District permits matter of right medium/high density development including all kinds of residential uses, with limited offices for nonprofit organizations, trade associations and professionals permitted as special exceptions requiring approval of the Board of Zoning Adjustment. The SP-2 District permits a maximum height of 90 feet, a maximum floor area ratio of 6.0 for residential uses and a maximum FAR of 3.5 for other permitted uses.
5. The C-4 District is the downtown core comprising the retail and office centers for both the District of Columbia and the Metropolitan area. It allows office, retail, housing and mixed-uses to a maximum height of 130 feet on this site and a maximum FAR of 10.0.

6. The properties to the south, southeast, southwest and west are presently zoned C-4. The properties to the north and northeast are zoned SP-2. The properties to the northwest are zoned SP-1 and SP-2.
7. The proposed C-4 zoning is consistent with the designation of the property on the Generalized Land Use Map. The Generalized Land Use Map adopted as part of the Comprehensive Plan includes the subject site in the high density commercial land use category. The existing SP-2 designation, permitting an FAR of only 3.5 for office use, is not consistent with the high density commercial designation.
8. The applicant in testimony, and in a written submission to the record stated development under the proposed C-4 zoning as a matter of right would be compatible with the area in which the subject property is included. The height and bulk would be consistent with the existing and permitted density of the properties which are immediately across 15th and M Streets. The properties to the north are separated from the site by Massachusetts Avenue, which is a substantial physical barrier between the site and the area to the north.
9. The proposed rezoning is consistent with the downtown element of the Comprehensive Plan. The subject property is included within the Franklin Square subarea, which is defined to be the "major center of office development" in Downtown. The proposed rezoning to C-4 is consistent with other elements of the Comprehensive Plan, including the Economic Development element the Transportation element and the Urban Design element.
10. The applicant's transportation expert indicated that rezoning to C-4 creates no adverse consequences in the area or the city as a whole. Any increased traffic can be accommodated without creating greater congestion to the surrounding street system. Given the triangular shape and orientation of the site, the focus of future development is likely to be to the south and west, thereby minimizing any direct impacts on property to the north.
11. The Office of Planning (OP), by memorandum dated August 31, 1995, and by testimony at the public hearing, recommended that the property be rezoned to C-4. The OP noted that the Comprehensive Plan Generalized Land Use Map designates the site and immediate area of the site for high density commercial use. The OP further noted that the Comprehensive Plan Amendments Act of 1994 encourages the expedited rezoning of this site to C-4. The OP noted the importance to the

District of keeping the NAHB in the city, the expansion needs of NAHB, the likelihood that NAHB will keep its existing building and that the site constraints would drive a design that is respectful of the building's Massachusetts Avenue context and the clear direction of the Comprehensive Plan.

12. The Assistant City Administrator for Economic Development, by letter dated September 11, 1995, supported the proposed rezoning to C-4. The Assistant City Administrator noted that the association industry is one of the city's largest employers and that the city must encourage its growth and prosperity. He also noted that the proposed addition to the NAHB facility would generate jobs and additional taxes to the District of Columbia. He further noted that the Commission's approval of this map amendment is critical to the District's ability to retain jobs for economic development and business retention. He further noted that the NAHB generates substantial economic benefits to the District through the number of visitors who come to the vicinity each year.
13. Advisory Neighborhood Commission (ANC) 2F, by resolution submitted on September 7, 1995, opposed the application for the following reasons:
 - a. The NAHB has not agreed to any retention of existing green space;
 - b. The NAHB has not agreed to any downsizing of the building mass allowed by the proposed C-4 zoning;
 - c. The NAHB has not agreed to any stepdown in height on the Massachusetts Avenue or Thomas Circle sides of the building;
 - d. The NAHB has not agreed to any restrictive covenants holding the property to SP-2 zoning for an extended period of time thereby preventing further encroachment on the adjoining residential areas; and
 - e. The NAHB has offered no drawings or models that show that the planned expansion will not have the effect of overpowering the vistas and scale of Thomas Circle and Massachusetts Avenue.
14. The Logan Circle Community Association, by letter dated September 7, 1995 and by testimony at the hearing, opposed the application for the following reasons:

- a. The NAHB has repeatedly refused to provide the community with conceptual drawings of the contemplated new construction on the site if the zoning change is approved;
 - b. The NAHB has rejected all of the community's proposed guidelines on matters such as massing and retention of green space;
 - c. The zoning change should be rejected unless and until the NAHB presents plans for its expansion which could be mutually agreed upon, as now required with respect to the existing SP-2 zoning;
 - d. The proposed zoning change would result in the loss of a substantial and critical zoning buffer between Downtown and the adjoining neighborhood to the north;
 - e. The proposed rezoning to C-4 provides a strong economic incentive for NAHB to sell the property to a commercial developer; and
 - f. There has been no substantial change in the neighborhood nor mistake in the original zoning which would warrant rezoning of the site since the Commission denied a previous application from the NAHB for a rezoning.
15. A number of employees of the NAHB appeared in support of the application, citing the benefits of the NAHB to the District of Columbia and the neighborhood. Many of those who appeared in support live in the District of Columbia and within the neighborhood and within walking distance of the subject site. They noted that a significant positive benefit of the location is their ability to walk to work.
16. The Zoning Commission concurs with the recommendation of the Office of Planning and the position of the applicant, the assistant City Administrator for Economic Development and others, and finds that the applicant has satisfied the intent and purpose of the Zoning Regulations.
17. With respect to the issues raised by the ANC and the Logan Circle Community Association, the Commission finds as follows:
 - a. The NAHB seeks an amendment to the Zoning Map. As would be the case with any other property owner, if the property is zoned C-4, the NAHB will be able to use and develop the property as a matter of right in conformance

with the standards of the C-4 District. The Commission must evaluate this application with respect to the development which is possible under the C-4 zone.

- b. In a Zoning Map amendment application, it is inappropriate for the Commission to consider specific plans or drawings or other details of the design of a particular building.
 - c. Rezoning the subject site to C-4 will not cause an encroachment on the residential community to the north. The Comprehensive Plan creates a very strong and clear distinction between the commercial area south of Massachusetts Avenue and the residential area north of Massachusetts Avenue at this location.
18. The proposed decision of the Zoning Commission was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-government and Governmental Reorganization Act. The NCPC, by report dated February 1, 1996, found that the proposed map amendment would not adversely affect the Federal Establishment or other Federal Interest in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

- 1. Rezoning to C-4 is in accordance with Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
- 2. Rezoning to C-4 will promote orderly development in conformity with the entirety of the District of Columbia zone plan as stated in the Zoning Regulations and map of the District of Columbia.
- 3. Rezoning to C-4 is not inconsistent with the Comprehensive Plan for the National Capital.
- 4. Rezoning to C-4 will not have an adverse impact on the surrounding neighborhood.
- 5. The Zoning Commission has accorded to Advisory Neighborhood Commission 2F the "great weight" to which it is entitled, but for the reasons stated in this order, determines that rezoning to C-4 is appropriate.
- 6. Pursuant to D.C. Code 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the Applicant is required to comply fully with the provisions of D.C. Code, Title I,

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Chapter 25 (1987), and this order is conditioned upon full compliance with those provisions. The failure or refusal of the Applicant to comply with any provisions of D.C. Law 2-38 as amended, shall be a proper basis for the revocation of this Order.

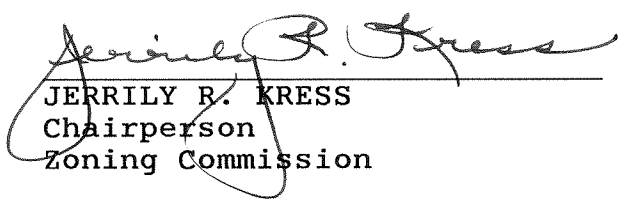
DECISION


In consideration of the findings of fact and conclusions of law set forth in this order, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the change of zoning from SP-2 to C-4 for Lot 17 in Square 213 located at 1412 Massachusetts Avenue, N.W.

Vote of the Zoning Commission taken at the public meeting held on October 23, 1995: 3-0: (Maybelle Taylor Bennett, William L. Ensign, and Jerrily R. Kress, to approve - John G. Parsons, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at its public meeting held on February 12, 1996, by a vote of 3-0: (Maybelle Taylor Bennett, William L. Ensign and Jerrily R. Kress to adopt - John G. Parsons, not voting, not having participated in the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is on MAR 22 1996.


JERRILY R. KRESS
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

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